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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,167	08/20/2003	Scott McCuan		7619

7590 06/18/2004

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/645,167

**Applicant(s)**

MCCUAN ET AL.

**Examiner**

Alexandra K Pechhold

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 4-6, 9 and 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date filed 3/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-15 are objected to because of the following informalities: in claims 1, 2, and 11, applicant's recitation of "separated overlapping ends" is confusing since it does not appear that the ends are separated and overlapping. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 2, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shenk et al (US 2,145,613).**

Regarding claim 1, Shenk discloses a device comprising: an outer band seen as the top web (12) in Figs. 5 and 6, an inner band seen as the lower web (12) in Figs. 5 and 6, and a cover seen as cover (3), wherein a perimeter edge of said cover is fastened between said outer band and said inner band as shown in Fig. 7; said outer band having two separated overlapping ends seen as the disjointed separate ends of the top of the two webs (12) separated by the bolt (14) in Fig. 6; the inner band having two separated ends seen as the disjointed separate ends of the top of the two webs

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(12) separated by the bolt (14) in Fig. 6; and a clamp attached to one of said inner band and said outer band seen as bolt (14) in Fig. 6.

Regarding claim 2, Shenk discloses the bottom webs (12) (see Figs. 5 and 6) having two separated overlapping ends and said clamp is attached to said inner band seen as bolt (14).

Regarding claim 8, the perimeter edge of cover (3) as seen in Figs. 3, 4, 5, and 7, is shown wrapped around said outer band prior to fastening.

Regarding claim 10, Fig. 5 illustrates the top web (12) partly coextensive with the cover (3), therefore wider than the lower web (12).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shenk et al (US 2,145,613).** Shenk fails to disclose the fastening of the cover with a plurality of screws. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastening cover of Shenk between the outer band and inner band (top and bottom webs 12) with a plurality of screws, since Shenk relies on the frictional connection between components to secure the cover, but

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other means such as screws would facilitate a readily accessible, easy fastening of the cover.

6. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shenk et al (US 2,145,613) as applied to claim 1 above, and further in view of Sauriol et al (US 3,920,347).** Shenk fails to disclose a handle, but Sauriol teaches a handle rings (60) on a cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover of Shenk to include a handle as taught by Sauriol, since Sauriol's handle facilitates removal of the cover which provides greater accessibility.

#### ***Allowable Subject Matter***

7. Claims 11-15 are allowed, if written to overcome the claim objection above.

8. Claims 4, 5, 6, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

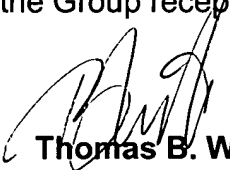
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
6/8/04